

## **REMARKS**

### **I.     Status of Claims**

Claims 1, 8-15 and 18-40 are pending in the application. Claims 1, 18-24, 27, 28, and 35-40 stand rejected under the first paragraph of 35 U.S.C. §112, claims 1, 8, 9, 18-24, 27, 28, 35-38 and 40 are rejected under 35 U.S.C. §103 over Lehrer *et al.* The specific grounds for rejection, and applicants response thereto, are set out in detail below.

### **II.    Rejection Under 35 U.S.C. §112, First Paragraph**

Claims 1, 18-24, 27, 28 and 35-40 are rejected as lacking enablement for viruses other than enveloped viruses. Applicants traverse, but in the interest of advancing the prosecution, the claims have been amended to recite treatment of enveloped viruses, thereby obviating the rejection.

In addition, claim 39 is rejected as lacking enablement and written description for the treatment of latently infected cells. Again, applicants traverse, but in the interest of advancing the prosecution, the claims have been amended to recite treatment of enveloped viruses, thereby obviating the rejection.

### **III.   Rejection Under 35 U.S.C. §103**

Claims 1, 8, 9, 18-24, 27, 28, 35-38 and 40 stand rejected as obvious over Lehrer *et al.* Applicants traverse.

The office action states a combination of Lehrer's SEQ ID NOS: 31 and 34 will give the sequence of the present application's SEQ ID NO:32. That is not true, as is illustrated below:

**Lehrer's SEQ ID NO: 31+34**

Arg-Cys-Leu-Cys-Gly-Arg-Gly-Val-Cys-Arg-Cys-Ile-Cys-Arg-Arg-Gly-Phe-Cys  
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18  
Gly-Ile- Cys- Arg-Cys-Ile- Cys-Thr-Arg-Gly-Phe-Cys-Arg-Cys-Ile- Cys-Gly-Arg

**Present SEQ ID NO: 32**

From this comparison, there is not a single matching residue. Moreover, even if circularized, there is homology in limited stretches since there is no threonine in Lehrer's sequence, and there is no valine in the present SEQ ID NO:32. Similarly:

**Lehrer's SEQ ID NO: 27+34**

Arg-Cys-Leu-Cys-Arg-Arg-Gly-Val-Cys-Arg-Cys-Ile-Cys-Arg-Arg-Gly-Phe-Cys  
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18  
Gly-Ile- Cys- Arg-Cys-Leu-Cys-Arg-Arg-Gly-Val-Cys-Arg-Cys-Ile- Cys-Gly-Arg

**Present SEQ ID NO: 31**

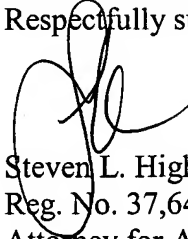
Again, not a single residues matches between these two sequences, and if circularized, there is still a lack of identity since there is no Phe in SEQ ID NO:31 of the instant application.

In sum, the rationale for the rejection stems from the examiner's allegation that a ***combination*** of two Lehrer sequences (27 + 34 or 31 + 34) will be equivalent to either SEQ ID NO:31 or 32 of the present application. As shown above, this is not the case. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

**IV. Conclusion**

In light of the foregoing, applicants respectfully submit that all claims are in condition for allowance and an early notification to that effect is earnestly solicited. Should the examiner have any questions regarding this response

Respectfully submitted,



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Date: August 5, 2005